

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,       ) Docket No. 3:06-CR-719  
  
                    Plaintiffs,       ) Toledo, Ohio  
  
                    v.                    ) APRIL 3, 2008  
  
MOHAMMED AMAWI, ET AL.,       )  
  
                    Defendants.       )

-----  
  
TRANSCRIPT OF PRETRIAL CONFERENCE, VOLUME 21  
BEFORE THE HONORABLE JAMES G. CARR  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs:   Gregg N. Sofer  
                          David I. Miller  
                          Jerome J. Teresinski  
                          U.S. Department of Justice  
                          10th & Constitution Avenue, NW  
                          Washington, DC 20530  
                          (202) 353-3464  
  
                          Thomas E. Getz  
                          Justin E. Herdman  
                          Office of the U.S. Attorney  
                          801 Superior Avenue, W  
                          Cleveland, Ohio 44113  
                          (216) 622-3840  
  
For the Defendant     Timothy Ivey  
Amawi:                 Edward Bryan  
                          Amy Cleary  
                          Jonathan Whitmer-Rich  
                          Office of the Federal Public Defender  
                          750 Skylight Office Tower  
                          1660 West Second Street  
                          Cleveland, Ohio 44113  
  (216) 522-4856

1 Elias Muawad  
2 Muawad & Muawad  
3 Suite 209  
36700 Woodward Avenue  
4 Bloomfield Hills, Michigan 48304  
(248) 594-4700

For the Defendant  
El-Hindi:

Charles M. Boss  
Boss & Vitou  
111 West Dudley Street  
Maumee, Ohio 43537  
(419) 893-5555

Stephen D. Hartman  
Kerger & Kerger  
Suite 201  
33 South Michigan Street  
Toledo, Ohio 43602  
(419) 255-5990

Alek H. El-Kamhawy  
Raslan, El-Kamhway & Pla  
Suite 3FE  
1700 East 13 Street  
Cleveland, Ohio 44114  
(216) 928-1500

For the Defendant  
Mazloun:

David L. Doughten  
4403 St. Clair Avenue  
Cleveland, Ohio 44103-1125  
(216) 361-1112

Jeffrey J. Helmick  
Helmick & Hoolahan  
2nd floor  
1119 Adams Street  
Toledo, Ohio 43624-1508  
(419) 243-3800

Mohammed Abdrabboh  
1620 Ford Avenue  
Wyandotte, Michigan 48192  
(734) 283-7000

Court Reporter:

Angela D. Nixon, RPR, CRR  
1716 Spielbusch Avenue  
Toledo, Ohio 43624

(419) 260-5259

Proceedings recorded by mechanical stenography, transcript  
produced by notereading.

1           THE COURT: Do you people have -- what form do  
2 you have recordings, or format?

3           MR. BOSS: I think -- I think that they mirror  
4 what the government is doing, frankly.

5           THE COURT: But I meant the government -- where  
6 are they?

7           MR. HARTMAN: They were originally produced to us  
8 on CD that are in my office.

9           MR. BOSS: We do have those.

10          THE COURT: Yeah, yeah, but they're simply all of  
11 them. Do you have an index to this CD?

12          MR. HARTMAN: I have them by the 1D number that  
13 they provided.

14          THE COURT: Can you skip to the particular  
15 number?

16          MR. HARTMAN: No, not within a recording, I  
17 cannot skip to the parts that they want to play. I can't  
18 do that.

19          MR. BOSS: They were provided to us in media  
20 player format so it just starts and then runs.

21          MR. SOFER: We have the same thing, Judge, the  
22 problem with all of that is just not --

23          THE COURT: Sure. You've got a jumble --  
24 everybody can sit down by the way. You don't need to stand  
25 up.

1           MR. SOFER: We'd be very concerned about how the  
2 presentation of that would go both for legal reasons and  
3 the ability for everyone to hear it.

4           MR. BOSS: Would you still like me to call the  
5 tech people or put that on hold?

6           THE COURT: Well, what we would probably need  
7 would be two screens like that, one for the jury and one  
8 for parties, and --

9           MR. SOFER: Judge, again, those two screens --  
10 all they're going to end up, unless we have the audio  
11 system up.

12          THE COURT: Of course. Well, can't -- I mean,  
13 can't we hear -- we could at least find out whether or  
14 not --

15          MR. SOFER: We could try it.

16          THE COURT: Yeah, say to them this is what we  
17 have. Do you have a means of not just projecting but of  
18 broadcasting this?

19          MR. BOSS: Judge, pardon me, I'm sorry.

20          THE COURT: Go ahead.

21          MR. BOSS: Part of the problem that the improved  
22 audio system cured was the --

23          THE COURT: You have that in quotes, improved,  
24 closed quotes?

25          MR. BOSS: When it works, it's certainly --

1 THE COURT: Quote, audio, closed quote, system,  
2 closed quote.

3 MR. BOSS: It cured the old acoustics in this  
4 courtroom. And when playing these audio tapes without the  
5 advantage of having the head phones, they are not  
6 discernible.

7 THE COURT: Yeah, I notice. Okay. That's fine.  
8 I've learned that. I was a little slow putting the phones  
9 on.

10 MR. BOSS: It's in both of our interest to have  
11 the head phones.

12 MR. SOFER: They sound better, I have to tell you  
13 in our office many times just a regular PC, counsel just  
14 said the same thing. The problem we've had over and over  
15 again is actually not -- we can play them in our offices  
16 and they sound great. For whatever reason, the interface  
17 with The Court system has always been problematic. I think  
18 the problem we've got to getting the sound okay were these  
19 head phones. The problem is we put those little tiny  
20 speakers that we use to define, say, what was in this  
21 courtroom it just doesn't work.

22 MR. HERDMAN: The audio may --

23 THE COURT: There's only one court reporter so.

24 MR. HERDMAN: The audio actually may be working  
25 if you can --

1 THE COURT: I can't hear you.

2 MR. HERDMAN: The audio may actually be working.  
3 We're trying to figure out if it's working or not through  
4 the headphones.

5 MS. FOLEY: The audio should be working, Judge.

6 THE COURT: Let me ask you this, are there  
7 transcripts written, you know, that we can print if we take  
8 an hour to print?

9 MR. SOFER: Yes and no. There are -- there are  
10 written transcripts. We have them here. The issue with  
11 that, Judge, is that the -- what we've done and made clear  
12 to the jury and everybody else is we've taken the segments  
13 out so that we don't have to play a three-hour-long  
14 transcript to get to the part that matters. If -- to take  
15 out what we've done in order to highlight it is literally  
16 put it in yellow, that's how it appears in the transcripts.

17 THE COURT: Time out. Until we get the new  
18 improved audio system, that's what we would do with the old  
19 school sets or whatever they call them, the body wires,  
20 everybody would get a transcript and they would follow  
21 along.

22 MR. SOFER: Absolutely.

23 THE COURT: And how long would it take to get at  
24 least a half day's worth of transcripts printed and cut and  
25 pasted and printed off for jurors, and why don't we do

1 that?

2 MR. SOFER: What I was going to get to is if you  
3 want -- we have to cut out the yellow, meaning there will  
4 be no other part of the transcript available and that would  
5 be --

6 THE COURT: In the old day we didn't have yellow.  
7 We didn't even have highlights.

8 MR. SOFER: I don't know. I can talk to my  
9 colleagues, I don't think it would take that long.

10 THE COURT: Why don't we do that. Why don't we  
11 at least head in that direction, get enough to at least get  
12 under way.

13 MR. SOFER: Actually, I just thought of something  
14 else though, Judge. Our first -- we are at the stage of  
15 our presentation, again, obviously always looking to make  
16 sure the government doesn't end up paying for the giant  
17 problem here.

18 THE COURT: Oh, it will. Not you the government  
19 but us the government.

20 MR. SOFER: I understand. But the problem today  
21 as it happens is our very first audio tape that we plan to  
22 play is the first one that is synced up with the videos  
23 that we want to play for the jury and that are coming in  
24 and it's going to prejudice our presentation and I would  
25 want to play it again. So I think it would, again -- I



1 think what the problem would be were we to go with the  
2 transcript system we're going to miss our ability to  
3 present our case the way we wanted to.

4 THE COURT: Can't we skip that? I realize it's  
5 out of order, but -- just tell the jurors we have a major  
6 technological problem that we're trying to address and  
7 resolve and we'll keep them posted, please.

8 MR. SOFER: From my perspective, Your Honor, the  
9 government's perspective, I would much prefer that we  
10 adjourn to fix the problem and not take that time that we  
11 potentially were going to take tomorrow and put it into  
12 today. Again, I think the government -- we've looked again  
13 at our presentation how long we anticipate it taking, and I  
14 don't think -- I, obviously, Your Honor, will decide this,  
15 but I think from our standpoint I'd like us to put our best  
16 foot forward being an opportunity not to disassemble our  
17 case because the -- because of technical problems here. I  
18 think I can give The Court some comfort in saying that our  
19 case is moving rather quickly.

20 THE COURT: Let's assume that we're done with  
21 Mr. Griffin maybe two weeks from -- by the end of the third  
22 week of trial, okay, figure by the time we get through this  
23 cross examination and all that, what's your projection in  
24 terms of the succeeding witnesses, assume that  
25 Mr. Kohlmann, I haven't made my mind up so don't get your

1 hopes up at all and don't start crying over to my right.  
2 I'm just saying, but assume Mr. Kohlmann were on for half a  
3 day, what else, in terms of realizing they're going to take  
4 as long to cross examine probably at least as you are to  
5 present. So what do you think, now we're three weeks?

6 MR. SOFER: I don't think we have another witness  
7 who comes within even a third or a quarter, frankly, of  
8 Mr. Griffin's testimony in terms of length. In other  
9 words --

10 THE COURT: How many more witnesses would you  
11 have?

12 MR. SOFER: I think we have approximately -- we  
13 did this last night so I'll look at my colleagues, but I  
14 think about ten more witnesses, ten to 15 at the most.

15 THE COURT: So another four weeks probably?

16 MR. SOFER: I think many of these witnesses we're  
17 looking at one day of testimony, half a day of testimony  
18 for some of them for the government. Some of them are five  
19 minutes, Judge, eight minutes. It's possible with the  
20 stipulations that, by the way, we still haven't gotten a  
21 response from the defense that we might be able to make  
22 that go faster.

23 THE COURT: Let me say this, so then extremely  
24 conservatively probably the government could be done by the  
25 end of May.

1           MR. SOFER: I think extremely conservatively the  
2 government will be done by the end of May. Of course the  
3 audio system and the video system if it does this on a  
4 regular basis --

5           THE COURT: Well, I'm inclined to simply adjourn  
6 for the day because who knows, sure it may come back five  
7 minutes after the jurors are headed home, but I want  
8 whoever is going to look at it to look at it. And the  
9 other thing is I want a back-up system in the building set  
10 to go. I don't care what it costs, okay. End of  
11 discussion on that. And everything short of myself is  
12 starting to deal with the wires. Okay. If you start after  
13 Memorial Day, what is your -- and if you want to take a few  
14 minutes to talk amongst yourselves, again, what do you  
15 think at the outside all your witnesses, all your -- all  
16 your evidence, double it -- well, probably add a half  
17 maximum for government's cross examination because there's  
18 fewer of you.

19           MR. SOFER: We'll try to be judicious.

20           THE COURT: I understand. I'm just trying to  
21 roughly compute --

22           MR. HARTMAN: A fair estimation would be two  
23 weeks for us.

24           THE COURT: Us meaning you and Mr. Boss and  
25 Mr. El-Hindi or us meaning you from you to Ms. Cleary and

1 all --

2 MR. HARTMAN: You, us here, I don't know about  
3 the federal defenders. You can probably include these guys  
4 in our two weeks because --

5 MR. HELMICK: Judge, three days tops for us.

6 THE COURT: So that's three weeks.

7 MR. HELMICK: That's three weeks, I'm just  
8 adding.

9 Yeah, I think that's a fairly safe estimate.

10 MR. HARTMAN: And why we may not even do that.

11 THE COURT: I understand. I want you to assume  
12 your client's going to testify, everything else you've got,  
13 you know, you're going to be wall to wall everything  
14 imaginable that you might put in how long it would take  
15 basically.

16 MR. HARTMAN: It would be a lot shorter if you  
17 keep Kohlmann out.

18 THE COURT: That is not a criteria. What do you  
19 think Mr --

20 MR. IVEY: We think about two weeks, Your Honor,  
21 for our case.

22 THE COURT: So we're looking at five weeks, which  
23 means we would still get in hopefully by early July to the  
24 jury. So okay. I don't know how it would change what I'm  
25 about to do. None of that was --

1           MR. SOFER: I don't think the today -- obviously  
2 if this would continue to have problems, but I don't think  
3 the one day is really going to knock us off our case, Your  
4 Honor.

5           THE COURT: I understand. Well, unless there's  
6 any objection, I think I'll cool the jury down, tell them  
7 what the problem is and ask them to return tomorrow morning  
8 at 8:30. I hate to have them -- I don't know, I just hate  
9 to have them sitting around.

10          MR. BOSS: This might give us an opportunity to  
11 try to work out some stipulations.

12          THE COURT: Oh, it will.

13          MR. HARTMAN: Judge, should we then plan on going  
14 a full day tomorrow?

15          THE COURT: Pardon?

16          MR. HARTMAN: We'll go a full day tomorrow  
17 instead of the half day?

18          THE COURT: Yeah.

19          MR. SOFER: And Judge, we do have some other  
20 matters we can deal with this morning here in court. It  
21 won't take very long but it will take some of their --

22          THE COURT: I'm told there's a baseball game down  
23 the street tonight too so maybe we can all go there.

24          All right. Let's do that. I don't -- in terms  
25 of fairness to the jury I hate to have them sitting around

1 hour by hour.

2 (Jury brought in.)

3 THE COURT: Ladies and gentlemen, as I think Amy  
4 told you a few minutes ago, we have some serious technical  
5 difficulties, namely the system that was working yesterday  
6 is not working, and we have no idea. We've been trying for  
7 more than half an hour, maybe 45 minutes or even longer to  
8 find out what the problem is. The audio apparently works  
9 but the projection portion does not, and we're not in a  
10 position to proceed until either that is fixed or some  
11 alternative arrangement is made. People who may be able to  
12 fix it are on their way. They won't be here for another  
13 couple hours, and who knows how long it will take to fix  
14 it. So in consulting with the lawyers, I think the most  
15 sensible thing to do, and I deeply regret this for lots and  
16 lots of reasons, is simply to adjourn for the day. I would  
17 ask that perhaps late this afternoon you call by 5:00. I  
18 fully expect we're going to proceed tomorrow morning, and  
19 I'd actually hoped to adjourn a little early but I think we  
20 better plan on a full day.

21 I have, among other things, talked to the lawyers  
22 about their projection for the time that the case will  
23 take. Obviously one day of testimony, one day off isn't  
24 going to get us along very quickly, and they are quite  
25 confident, and I am, that the time table that I projected

1 to you during the voir dire, namely getting the case to you  
2 in early July looks like a very doable time table. And  
3 actually we had talked yesterday because there's still some  
4 things that we have to tend to and work out that -- some  
5 other matters that I have to resolve with the lawyers. We  
6 were actually planning on adjourning tomorrow early to tend  
7 to those and give you a bit of a break.

8           So that's about all I can tell you. It's like  
9 the airplane pilot who after the airline's told you the  
10 flight's been delayed a little bit and now it's been  
11 canceled due to mechanical difficulties and you have to go  
12 find yourselves a hotel, at least you don't have that  
13 problem. You can all go home, whatever, you can show up to  
14 work if you want. I'll leave that entirely up to your  
15 judgment. And I regret this, and this was totally  
16 unexpected.

17           So do call late this afternoon, maybe before  
18 4:00. Why don't you call maybe 4:00, 4:30 so at least you  
19 are sure to get through and find out. And we will indicate  
20 on the recording one way or another whether we will be  
21 proceeding. I fully expect to. I mean, I made very clear  
22 to the people responsible for this that if it means going  
23 out and getting outside vendors to provide whatever it  
24 takes, we will do that.

25           MR. SOFER: Your Honor, may we approach just one

1 moment before you let the jury go, please?

2 THE COURT: Sure.

3 (A side bar conference was had on the  
4 record.)

5 MR. SOFER: I just wanted to ask Your Honor to  
6 please tell the jury this isn't the government's fault. I  
7 don't want them to think it's our fault.

8 THE COURT: Whose fault is it? Volunteers?

9 MR. HARTMAN: I'll take it.

10 MR. SOFER: Give it to Steve.

11 (A side bar conference was had.)

12 THE COURT: The one thing I did want to mention  
13 too, nobody was monkeying with the equipment. This is the  
14 gremlins coming from outside somewhere. It wasn't as  
15 though any of the lawyers, or trust me, not me, was fussing  
16 with the equipment. It simply happened. And short of  
17 asking you if any of you brought a camera and screwdriver  
18 that we can use on this stuff, I was going to say just  
19 another steel tip to the boot maybe and go to work. We'll  
20 do the best we can and appreciate your patience and good  
21 humor, and unfortunately the Mud Hens don't open until 7:00  
22 tonight.

23 THE JUROR: Can you get us tickets?

24 THE COURT: I'm going to try to get myself a  
25 ticket. Thank you for your patience, and the low bidder,



1 what else can I tell you? Thank you all very much. And  
2 especially for your understanding. We'll see -- I hope to  
3 see you tomorrow morning at 8:30 .

4 (Jury left the courtroom.)

5 THE COURT: What I would suggest is that perhaps  
6 Mr. Boss and Mr. Sofer, somebody on your side who is able  
7 to perhaps explain what sort of systems and requirements  
8 technologically you would have, get on the phone with --  
9 start with your supplier and I want simply -- I'm going to  
10 go ahead and authorize you to order if they can put  
11 something together that would work, what I'd like to have  
12 them do, if that's possible, would be to get down here  
13 today to set it up and try it. I think what we need are at  
14 least the screen for the parties to see and a screen for  
15 the jury to see. That's literally jury rigged but I don't  
16 think we can do any better than that in terms of a back-up  
17 system. So if you can get to work on that, if the others  
18 of you can be working on the whatever other issues need  
19 addressed between you, I will be available.

20 Maybe let me know whenever you're ready to  
21 proceed with -- whenever you know anything definitive about  
22 that, and also about the stipulations or whatever. I have  
23 looked at the motions that are pending. Maybe we can  
24 address those sometime, and I'm perfectly willing to do  
25 whatever we can do today and take as long or as little time

1 as we need. And we'll go from there. On the weapons,  
2 those are the firearms in those photos are the ones that  
3 were rented out of Clelands.

4 MR. SOFER: They were rented out of Clelands or  
5 provided by the government's cooperating witness for  
6 shooting.

7 THE COURT: Right, just so you know, my  
8 inclination, and this is not to cut you off in regard -- I  
9 don't see any reason to introduce the swords, but I do for  
10 the firearms.

11 MR. SOFER: We can argue the swords.

12 THE COURT: You can argue it. You're just going  
13 to show the pictures and say that's what they were and  
14 that's it.

15 MR. SOFER: For the swords certainly. The guns I  
16 think we'll have in the courtroom, along with some of the  
17 very small amount of the other physical evidence like  
18 computers, some of the bigger -- we're not putting in  
19 pieces of paper generally, but sort of physical items for  
20 the most part we will bring in. We certainly -- if The  
21 Court has reservations about the swords, for instance, we  
22 wouldn't need to bring the swords in. We can put the  
23 pictures of the swords. Guns, yes, computers, yes, maybe a  
24 phone here or there, those kinds of items we're likely to  
25 bring.

1           THE COURT: Obviously firearms don't go back to  
2 the jury room. I'd be frightened about that for a number  
3 of reasons. We'll see. Okay. What else -- anything else  
4 we have to talk about.

5           MR. SOFER: We have two issues that came up  
6 yesterday, Judge. We'd like to -- we -- it sort of  
7 happened quickly. We haven't talked about this at all,  
8 counsel had asked us to move witnesses from the courtroom I  
9 guess yesterday or the day before, and we have two -- two  
10 agents who we've essentially been working with throughout  
11 the preparation of the case and Rob --

12           THE COURT: Agent Coats and --

13           MR. SOFER: And Agent Gubanich, you've seen both  
14 of them testify. Given the possible flexibility of the  
15 case --

16           THE COURT: Counsel, I have no problem with the  
17 two case agents attending. It's generally the other  
18 witnesses. These guys, if they're going to cheat, they're  
19 going to cheat whether they sit here and pick up on it or  
20 if they go back to the office.

21           MR. SOFER: They're not going to cheat, Judge.

22           THE COURT: I understand, but given that.

23           MR. BOSS: Judge, it isn't that we would expect  
24 them to cheat or not cheat. The ability to listen to  
25 another witness' testimony allows that opportunity.

1           THE COURT: Let me suggest this to you. Why  
2 don't they be excluded when and if one of them is  
3 testifying.

4           MR. SOFER: That's fine, Judge.

5           THE COURT: I mean, the video is the video,  
6 and --

7           MR. BOSS: I certainly have no objection about  
8 them watching the videos. They've certainly seen them a  
9 number of times. My concern is that certain cross  
10 examination, and I'm thinking about cross examination  
11 primarily of Mr. Griffin, he may say certain responses that  
12 would potentially taylor the testimony of the other  
13 witnesses.

14          THE COURT: Why don't you --

15          MR. SOFER: That's always true, Judge. That's  
16 always true when you have a case agent sitting in court  
17 along with the other witnesses.

18          MR. BOSS: We have no objection to the one case  
19 agent. It's having more than one --

20          MR. SOFER: And if this was a one-week trial --

21          THE COURT: I understand. I assume all of  
22 counsel to join in that objection and I'm going to permit  
23 them to attend.

24          MR. SOFER: The other thing you asked for  
25 yesterday -- I'm sorry, Judge.

1 THE COURT: Good ahead.

2 MR. SOFER: The other thing --

3 THE COURT: Let me say counsel, I'll reconsider  
4 if you think there's a particular point at which you would  
5 make that request, okay.

6 MR. BOSS: Thank you.

7 THE COURT: And then you can come up and renew it  
8 and I'll hear you out. Okay. But as a general rule, I  
9 think it's a fair request. Go ahead.

10 MR. SOFER: The other thing Your Honor had asked  
11 yesterday and defendant Amawi's counsel had asked for any  
12 kind of written agreements. And in fact, we searched and  
13 did find something in the nature of an agreement. I want  
14 to accept it -- to The Court -- I'd like to give it to Your  
15 Honor to take a look at it and make a determination about  
16 whether The Court believes it's discoverable.

17 THE COURT: Okay.

18 MR. SOFER: That's, I think, from the government,  
19 Judge.

20 THE COURT: All right. We'll go to work on the  
21 other stuff. And as, hey, if you guys -- if you can get a  
22 hold of your -- get going on that.

23 MR. BOSS: We will, Judge. And what I discussed  
24 with Mr. Sofer a moment ago was the possibility of the  
25 defense teams meeting to try to work out agreed

1 stipulations and proposals, and later today we'll try to  
2 meet with the government in bunk to hammer things out if we  
3 can.

4 THE COURT: There's a polycom speaker phone in  
5 the conference room.

6 MR. BOSS: I'd like to just have us all sit down  
7 together if we can.

8 MR. SOFER: We'll either sit with them or if we  
9 can stand or sit in the same room, I mean that facetiously.

10 THE COURT: You seem to be doing pretty well in  
11 here.

12 MR. SOFER: We're willing to sit with them, and I  
13 don't know if they're willing to sit with us, but we're  
14 certainly willing to do that. We can do it sometime today.

15 THE COURT: Okay. But if it's convenient for any  
16 purpose to use the conference room, go ahead. Might find  
17 it helpful just because of the speaker phone. And Amy can  
18 show you how to turn it on and dial whatever the number is  
19 and you can all talk at the same time.

20 MR. EL-KAMHAWY: Just a little bit of delay with  
21 regards to the motion on the firearms. It is our motion --  
22 it is -- our primary concern is that our client never went  
23 to Clelands, never touched it, never seen it, and how  
24 prejudicial it will be to our client when it's published.

25 THE COURT: Yeah, and on the other hand I think

1 that's always the case whenever there's more than one  
2 defendant on trial. It's always a risk spilled over, and I  
3 will make very clear in the instruction, and the evidence  
4 will show that. It will be self evidence from the  
5 evidence. I can tell them quite simply whatever  
6 consideration you give to that evidence cannot enter into  
7 your deliberations with regard to Mr. El-Hindi.

8 MR. SOFER: Well, the problem with that, Judge,  
9 is that's I don't believe an accurate description of the  
10 law, in a conspiracy case where one is liable --

11 THE COURT: You're right. I would make clear  
12 that, ladies and gentlemen, there will be no evidence that  
13 Mr. El-Hindi used any of these firearms himself, period,  
14 end of discussion. I think you're right. It's an overt  
15 act alleged in the indictment.

16 MR. SOFER: It is, Your Honor.

17 MR. EL-KAMHAWY: Your Honor, respectfully those  
18 firearms are depicted in other pictures and videos that  
19 will be played to the jury particularly, and I will go  
20 along with Mr. Sofer's assumption as what the definition of  
21 the conspiracy and when it's published it kind of rubs on  
22 just sitting there even with the instruction, so --

23 THE COURT: If I let -- if I let them in at all,  
24 I'll give some sort of instruction if you want. If you  
25 want to propose one to me, I'll consider it. Okay.

1 Anything else?

2 (A brief discussion was had off the record.)

3 THE COURT: Thank you.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



C E R T I F I C A T E

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

S:/ Angela D. Nixon

-----  
Angela D. Nixon, RPR, CRR

-----  
Date